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| APPLICATION NO.                     | FILING DATE | FIRST NAMED INVENTOR  | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-------------------------------------|-------------|-----------------------|---------------------|------------------|
| 09/655,595                          | 09/06/2000  | William F. Beausoleil | POU9-2000-0045-US1  | 9321             |
| 34313                               | 7590        | 08/02/2004            | EXAMINER            |                  |
| ORRICK, HERRINGTON & SUTCLIFFE, LLP |             |                       | STEVENS, THOMAS H   |                  |
| 4 PARK PLAZA                        |             |                       |                     |                  |
| SUITE 1600                          |             |                       | ART UNIT            | PAPER NUMBER     |
| IRVINE, CA 92614-2558               |             |                       | 2123                |                  |

DATE MAILED: 08/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                   |                   |
|------------------------------|-------------------|-------------------|
| <b>Office Action Summary</b> | Application No.   | Applicant(s)      |
|                              | 09/655,595        | BEAUSOLEIL ET AL. |
|                              | Examiner          | Art Unit          |
|                              | Thomas H. Stevens | 2123              |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 6/1/04.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 01 June 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____.  | 6) <input type="checkbox"/> Other: _____.                                   |

**DETAILED ACTION**

1. Claims 1-4 were examined

***Section I Response to Applicants Remarks***

***Drawings***

2. Applicants are thanked for addressing this issue. Objection is withdrawn.

***Specification***

3. Applicants are thanked for addressing this issue. Although the applicant inserted the applicable serial numbers as requested, these reference will not be considered as part of the specification because it is not a proper information disclosure statement. These references must be disclosed on PTO form PTO-892.

***35 U.S.C. § 112 Second Paragraph***

4. Applicants are thanked for addressing this issue. The rejection is withdrawn.

***35 U.S.C. § 102(b)***

5. Applicant's arguments, see pages 5-7, filed 6/1/04, with respect to the rejections of claims 1-4 under 35 U.S.C. § 103 have been fully considered and are persuasive.

Therefore, the rejection has been withdrawn. However, upon further consideration, a new grounds of rejection is made in view of Rocci et al. (U.S. Patent 4,797,604 (1989)).

***Section II Rejections***

***Specification***

6. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A (1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Rocci et al., (U.S. Patent 4,797,604 (1989)). Rocci et al., teaches an apparatus for determining the length of wires, which includes connector assemblies, a current source circuit, and

other electronic devices. (Note: With regard to claims 3 and 4, the examiner believes Rocci et al's invention supercedes this application in this regard of non-matching interchanged pairs. Rocci et al, state that if a non-standard wire is hooked the machine, the machine simple calibrates the wire(s), thus no set or sets of wires is rejected).

**Claim 1:** In an emulator that includes printed circuit boards interconnected by a multi-conductor, cable with inputs at one end of the cable and corresponding outputs at the other cable end (column 4, lines 4-8), an in situ method for determining the length of the cable (abstract: lines 6 17-19), including the steps of: prior to installing the cable, interchanging the inputs or outputs of at least one pair of conductors to denote a cable length (column 4 and 5, lines 66-68 and 1-17, respectively; and column 6, lines 29-31); programming the emulator to input a test pattern to the cable (column 4, lines 3-23); programming the emulator to collect an output data pattern from the cable that results from the test pattern (columns 8 and 9, lines 64-68 and 1-33, respectively); determining the cable length from the output pattern (abstract: lines 4-6); compiling the emulation program to account for each interchanged pair of conductors (column 3 and 4, lines 62-68 and 1-2, respectively).

**Claim 2:** An in situ method for determining the length of the cable as in claim 1(abstract: lines 6 17-19) wherein said test pattern is a pattern of alternating binary "1s" and "0s" (column 2, lines 9-13).

**Claim 3:** An in situ method for determining the length of the cable as in claim 1(abstract: lines 6 17-19) wherein one cable length is denoted by having no interchanged pair of conductors (column 4, lines 60-63).

**Claim 4:** An in situ method for determining the length of the cable as in claim 2 (abstract: lines 6 17-19; and column 2, lines 9-13) wherein one cable length is denoted by having no interchanged pair of conductors (column 4, lines 60-63).

***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

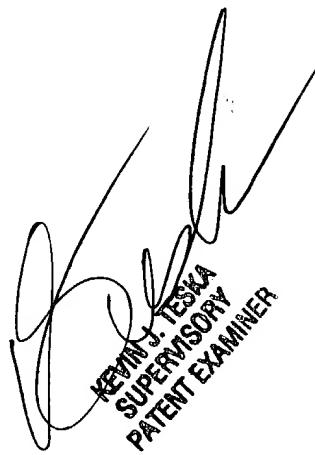
***Correspondence Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Stevens whose telephone number is (703) 305-0365, Monday-Friday (8:30 am- 5:30 pm) or contact Supervisor Mr. Kevin Teska at (703) 305-9704. The fax number for the group is 703-872-9306.

Any inquires of general nature or relating to the status of this application should be directed to the Group receptionist whose phone number is (703) 305-3900.

July 21, 2004

THS



A handwritten signature in black ink, appearing to read "KJ TESKA". To the right of the signature, the text "KEVIN J. TESKA", "SUPERVISORY", and "PATENT EXAMINER" is printed vertically in a smaller font.